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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,566	11/01/2001	Chana L. Weaver	5603USA	3780

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002,566

Applicant(s)

WEAVER ET AL.

Examiner

Akiba K. Robinson-Boyce

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-8, 10-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8, 10-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 6/22/06, the following is a final office action. Claims 1-4, 9 and 14 are cancelled. Claims 5, 6, 7, 8 and 10 are amended. Claims 15-20 have been added. Claims 5-8, 10-13 and 15-20 are pending in this application and have been examined on the merits.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 15, 18, 20, are rejected under 35 U.S.C. 102(e) as being anticipated by Dippold (US 2002/0133479 A1).

As per claim 6, Dippold discloses category management method comprising:  
obtaining data from plural data sources including a consumer purchase tracking data set and a demographics data set, (Page 1, paragraph [0002], lines 1-17, data about products purchased are collected, in this case, the collection of a demographic data set is inherent with Dippold since it is shown that demographic data

is correlated with product data in paragraph [0002], lines 17-23, and the demographic data had to be collected in order to be presented as data);

using automated analysis to analyze at least a portion of said obtained data, (page 3, paragraph [0026], lines 1-17, shows that an automatic procedure shown for categorizing products and used as a standard against which the category definitions may be analyzed); and

providing an integrated category management report based at least in part on said analysis, said integrated category management report being a targeted opportunity assessment and market analysis at least partially customized for the intended end user, (Page 1, paragraph [0002], correlation of products purchased and demographics in order to generate appropriate reports, also it is shown that these reports disclose the buying habits of population segments, which represents the targeted opportunity assessment. It is also shown that conclusions about the buying habits for *specific* population segments based upon specific products vs. demographics are included, where the conclusion of the buying habits represent the market analysis, and retrieval of the report based on specific products vs. demographics represents customization).

As per claim 15, Dippoid discloses:

wherein said integrated category management report includes a pricing suggestion for at least one product, (paragraph 0020, lines 3-5, prices of the products).

As per claim 18, Dippoid discloses:

wherein said integrated category management report includes at least one report segment selected from the group consisting of *consumer assessment*, category assessment, pricing analysis, promotion analysis, placement analysis, and product assortment analysis, (Page 1, paragraph [0002], correlation of products purchased and demographics in order to generate appropriate reports about the buying habits of population segments).

As per claim 20, Dippoid discloses:

wherein at least one of said data sets relates to cereal, (paragraph 0005, lines 1-3, breakfast cereals).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dippold (2002/0133479 A1) as applied to claim 6 above.

As per claim 5, Dippold discloses a category management method comprising:  
dynamically including or excluding further detailed information from said report depending on whether additional analysis results are available, (Page 3-Page 4, paragraph [0036], shows that data in database is updated whenever new data is available, therefore is updated dynamically in relation to new data);

Dippold does not specifically disclose the inclusion/exclusion of data from the report, however, on Page 3, paragraph [0035], Dippold shows that for ease of report generation, product data, etc. is stored in relation to UPCs in the database, therefore, inclusion/exclusion of data from the report is obvious since the reports are produced from the data stored in the database, and if the data in the database changes, so will data in the final report.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include/exclude data from the report with the motivation of producing a report in conjunction with the main source of data.

6. Claims 7-13, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dippold (2002/0133479 A1) as applied to claim 6 above, and further in view of McConnell et al (US 2001/0049690 A1).

As per claim 7, Dippold fails to disclose delivering said report at least in part over a network, but does disclose the generation of reports on page 1, paragraph [0002], lines 17-23.

However, McConnell et al discloses:

delivering said report at least in part over a network, (Page 8, paragraph [0083], lines 4-6, reporting product sales by informing these results to the retailer). McConnell et al discloses this limitation in an analogous art for the purpose of showing that sales tracking information can be reported to a retailer so proper action can be taken.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to deliver the report at least in part over a network with the motivation of allowing entities of the network to access reports.

As per claim 8, Dippold discloses;

wherein said integrated category management report includes interactive fields that can call up additional information, (Page 3-Page 4, paragraph [0036], shows that data in database is updated whenever new data is available, therefore is updated dynamically in relation to new data, in this case the database is refreshed by having the variable n set to zero and incremented by 1, then loading any new product data).

As per claim 10, Dippold discloses;

further including dynamically including or excluding further detailed information from said integrated category management report depending on whether additional analysis results are available, (Page 3-Page 4, paragraph [0036], shows that data in database is updated whenever new data is available, therefore is updated dynamically in relation to new data, w/ Page 3, paragraph [0035], shows that for ease of report generation, product data, etc. is stored in relation to UPCs in the database, therefore, inclusion/exclusion of data from the report is obvious since the reports are produced from the data stored in the database, and if the data in the database changes, so will data in the final report).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include/exclude data from the report with the motivation of producing a report in conjunction with the main source of data.

As per claim 11, Dippold discloses;

further including providing a score card that tracks said category management over time, (Page 3, paragraph [0033], lines 1-15, scoring rules used to choose a final category).

As per claim 12, Dippold fails to disclose wherein said network is the Internet but does disclose a network that includes a processor, database and communications server on Page 2, paragraph [0022], lines 1-3.

However, McConnell et al discloses:

wherein said network is the Internet, (Page 4, paragraph [0041], lines 1-6, Internet). McConnell et al discloses this limitation with the motivation of showing that the monitoring/tracking of sales can be done over the Internet.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the network to be the Internet with the motivation of tracking products over a wide area network.

As per claim 13, Dippold fails to disclose wherein said network is a local area network but does disclose a network that includes a processor, database and communications server that can be a relational database on Page 2, paragraph [0022], lines 1-5.

However, McConnell et al discloses:

wherein said network is a local area network, Page 3, paragraph [0037], lines 13-15, LAN]. McConnell et al discloses this limitation with the motivation of showing that the monitoring/tracking of sales can be done over a local area network.



It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the network to be a local area network with the motivation of tracking products locally.

As per claims 16, 17, Dippold fails to disclose wherein said integrated category management report includes at least one suggestion for improving the sales of at least one product/a category of products, but does disclose a network that includes a processor, database and communications server that can be a relational database on Page 2, paragraph [0022], lines 1-5.

However, McConnell et al discloses:

at least one suggestion for improving the sales of at least one product/a category of products, (paragraphs [0199]-[0203], shows an attribute set that identifies when stock outs are excessive, and therefore periods of high seasonal sales are present, in this case an attempt to match attributes with these types of events take place in order to keep high sales, thereby changing distribution values). McConnell et al discloses this limitation in analogous art for the purpose of showing that distribution values can be changed as a result of a need to keep sales at a high level all year round.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to make at least one suggestion for improving the sales of at least one product/a category of products with the motivation of moving products through a market environment.

As per claim 19, Dippold fails to disclose wherein said data sources further include at least one planogram, but does disclose product data on page 1, paragraph [0002], lines 6-7.

However, McConnell et al discloses:

wherein said data sources further include at least one planogram, (Page 24, Col. 1, lines 4-8 [claim 47], shows at least one planogram type is used in conjunction with correlating items). McConnell et al discloses this limitation in an analogous art for the purpose of showing that planograms, which is no more than a diagram of a product display can be used in conjunction with monitoring or tracking sales).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include at least one planogram with the motivation of using a diagram of a product display to manage products.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

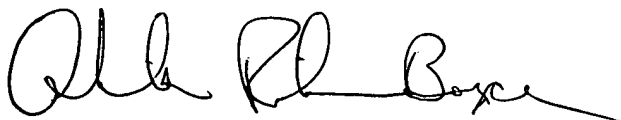
Art Unit: 3639

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

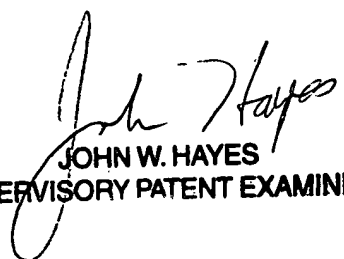
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
September 8, 2006



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER